

Regular Meeting – P.M.October 27, 2008

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, October 27th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil*, Barrie Clark*, Colin Day*, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Subdivision Approving Officer, Shelley Gambacort*; Director of Recreation, Parks & Cultural Services, David Graham*; Director of Planning & Development Services, Jim Paterson*; Manager, Community Development & Real Estate, Doug Gilchrist*; Park Design & Construction Supervisor, Andrew Gibbs*; Community Planning Manager, Theresa Eichler*; Planner, Nelson Wight*; Environment & Solid Waste Manager, Mark Watt*; Development Manager, Reid Oddleifson*; Roadways Superintendent, Dale Beaudry*; Civic Properties Manager, Randy Cleveland; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:38 p.m.

2. Councillor Day was to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.01 Ron Rubadeau, President, Kelowna 2008 BC Summer Games Society, re: Summary Report – 2008 BC Summer Games

Ron Rubadeau:

- Introduced the Executive team who assisted with the 2008 BC Summer Games.
- Gave an update to Council.
- Presented each Member of Council with a 2008 BC Summer Games Hat and Gold Medal.

3.02 Superintendent McKinnon, re: Monthly Policing Report

Superintendent McKinnon:

- Gave his Monthly Policing Report
- Advised that there have recently been a number of major investigations that have been brought to a successful conclusion.
-

Mayor Shepherd:

- Gave background information regarding the Provincial Government's initiative with respect to security cameras.
- Advised that the pilot project would involve \$1 Million in funding to three (3) cities, Kelowna, Vancouver and Surrey.
- Advised that the Provincial Government would be issuing a Press Release sometime this morning.

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4. DEVELOPMENT APPLICATION REPORTS

- 4.01 Planning & Development Services Department, dated October 2, 2008, re: Development Permit Application No. DP06-0141 – Ca'Solare Developments Inc. (G Group of Companies) – 4760 Lakeshore Road

Moved by Councillor Hobson/Seconded by Councillor Day

R927/08/10/27 THAT Council hears from the Applicant with respect to Development Permit Application No. DP06-0141.

Carried

Applicant, Andrew Gaucher:

- Gave a presentation to Council regarding the following, requested amendments:
 - Pool relocation;
 - Net increase of 1 home;
 - Reduction in density;
 - Slight parking increase; and
 - Elevation impacts.
- Advised that if Council doesn't support the change, then the project will have to proceed without the amendments.
- Confirmed that the pool is now located on the lower floor.

Moved by Councillor Gran/Seconded by Councillor Blanleil

R928/08/10/27 THAT Council authorize an amendment to the existing issued Development Permit No. DP06-0141 for Lot A, Sec 25, SDYD, Plan KAP71411, located on Lakeshore Road, Kelowna, BC., subject to the following:

1. The dimensions and siting of the building be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping (as amended) to be provided on the land be in general accordance with Schedule "C1".

Carried

- 4.02 Planning & Development Services Department, dated October 16, 2008, re: Official Community Plan Amendment Application No. OCP07-0036 and Rezoning Application No. Z07-0106 – Tapestry Homes Ltd. (Ledingham McAllister Communities Ltd.) – 2241 Springfield Road

Councillor Blanleil declared a conflict of interest as he owns property in the notification area and left the meeting at 2:08 p.m.

Staff:

- Provided background information with respect to the subject property and surrounding properties.
- Encouraged the applicant to revise the application so that staff could support it.

Moved by Councillor Given/Seconded by Councillor Day

R929/08/10/27 THAT Council hears from the Applicant with respect to Official Community Plan Amendment Application No. OCP07-0036 and Rezoning Application No. Z07-0106.

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Applicant, Ward McAllister, President, Ledingham McAllister:

- Advised how the affordable housing calculation was arrived at.

Applicant, John McDonald, Representative of Ledingham McAllister:

- Believes that the site was originally designed for 2.2 density.
- Due to the location of the site, they thought it would be prudent to increase the density of the project.
- A traffic impact study was carried out in 2007 and upgrades to the intersection will be completed once the area is developed.
- The funds provided as cash-in-lieu should be specifically marked for use within this area.
- Would like a Comprehensive Development Zone for the area due to the different densities and height requirements.
- Proposed that a covenant be registered on the site to limit the density of the area.
- Feels that the site is constrained by very poor access which could limit the commercial viability of the site.

Staff:

- Advised that recommendations to Council regarding a proposed Affordable Housing Policy will be brought forward shortly.

Moved by Councillor Gran/Seconded by Councillor Letnick

R930/08/10/27 THAT Official Community Plan Amendment Application No. OCP07-0036 and Rezoning Application No. Z07-0106 be deferred until Council has had an opportunity to consider staff's recommendations with respect to an Affordable Housing Policy.

Carried

Mayor Shepherd and Councillor Clark – Opposed.

4.03 Planning & Development Services Department, dated September 20, 2008, re: Rezoning Application No. Z07-0062 – Kelly & Clayton Robinson (Peter Chataway) – 3432 Scott Road (B/L 10104)

- (a) Planning & Development Services report dated September 20, 2008.

Councillor Blanleil returned to the meeting at 2:51 p.m.

Moved by Councillor Letnick/Seconded by Councillor Rule

R931/08/10/27 THAT Rezoning Application No. Z07-0062 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 135, O.D.Y.D., Plan 3886, located on Scott Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities Department being completed to their satisfaction.

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10104 (Z07-0062) – Kelly & Clayton Robinson (Peter Chataway) – 3432 Scott Road

Moved by Councillor Clark/Seconded by Councillor Letnick

R932/08/10/27 THAT Bylaw No. 10104 be read a first time.

Carried

4.04 Planning & Development Services Department, dated September 20, 2008, re: Rezoning Application No. Z08-0030 – Paul Warnock – 1220-1222 & 1230 Brookside Avenue (B/L 10105)

(a) Planning & Development Services report dated September 20, 2008.

Staff:

- Expressed a concerned with respect to form and character.

Moved by Councillor Day/Seconded by Councillor Blanleil

R933/08/10/27 THAT Rezoning Application No. Z08-0030 to rezone portions of Lot 5, Block 2, District Lot 137, O.D.Y.D., Plan 5042 and Lot 1, District Lot 137, O.D.Y.D., Plan 4386 located on Brookside Avenue, from RU6 – Two Dwelling Housing to RM5 – Medium Density Multiple Housing and P3 – Parks and Open Space, in accordance with Map “A”, attached to the Planning and Development Services Report, dated September 20, 2008 be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure, lot consolidation, and dedication of park, to the satisfaction of the subdivision approving officer;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a “no disturb” Section 219 Covenant to effectively preserve the Mill Creek Riparian Management Areas, and a Section 219 Covenant to save harmless the Province and the City of Kelowna from damages due to flooding;

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AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10105 (Z08-0030) – Paul Warnock – 1220-1222 & 1230 Brookside Avenue

Moved by Councillor Given/Seconded by Councillor Letnick**R934/08/10/27** THAT Bylaw No. 10105 be read a first time.Carried

4.05 Planning & Development Services Department, dated October 2, 2008, re: Rezoning Application No. Z08-0076 – Corey Knorr Construction Ltd. (Protech Consultants Ltd.) – 935 Gibson Road (B/L 10108)

(a) Planning & Development Services report dated October 2, 2008.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

R935/08/10/27 THAT Rezoning application No. Z08-0076 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 25, Township 26, O.D.Y.D Plan 22778, Located at 935 Gibson Road, Kelowna BC from the A1 – Agriculture 1 to the RU1 – large Lot Housing zone be considered by council;

AND THAT the zone amending bylaw be forwarded to a public hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

Carried(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10108 (Z08-0076) – Corey Knorr Construction Ltd. (Protech Consultants Ltd.) – 935 Gibson Road

Moved by Councillor Letnick/Seconded by Councillor Given**R936/08/10/27** THAT Bylaw No. 10108 be read a first time.Carried

4.06 Planning & Development Services Department, dated October 9, 2008, re: Rezoning Application No. Z08-0085 – Lance Pilott – 2260 Wilkinson Street (B/L 10103)

(a) Planning & Development Services report dated October 9, 2008.

Moved by Councillor Letnick/Seconded by Councillor Blanleil

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R937/08/10/27 THAT Rezoning Application No. Z08-0085 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 136, O.D.Y.D, Plan 32304, located on 2260 Wilkinson St, Kelowna, B.C. from the RU2 – Medium Lot Housing Zone to the RU2(s) – Medium Lot housing with a Secondary Suite Zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10103 (Z08-0085) – Lance Pilott – 2260 Wilkinson Street

Moved by Councillor Rule/Seconded by Councillor Clark

R938/08/10/27 THAT Bylaw No. 10103 be read a first time.

Carried

4.07 Planning & Development Services Department, dated October 14, 2008, re: Rezoning Application No. Z08-0086 – Frank & Carmen Prehofer – 2652 Woodland Court (B/L 10109)

(a) Planning & Development Services report dated October 14, 2008.

Moved by Councillor Letnick/Seconded by Councillor Day

R939/08/10/27 THAT Rezoning Application No. Z08-0086 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 16, Township 26, O.D.Y.D., Plan 23034, located on Woodland Crescent, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1(s) - Agriculture 1 with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

Carried

(b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10109 (Z08-0086) – Frank & Carmen Prehofer – 2652 Woodland Court

Moved by Councillor Rule/Seconded by Councillor Clark

R940/08/10/27 THAT Bylaw No. 10109 be read a first time.

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- 4.08 Planning & Development Services Department, dated September 30, 2008, re: Official Community Plan Amendment Application No. OCP07-0007 and Rezoning Application No. Z07-0019 – Okanagan Families Society – 630 Cadder Avenue

Moved by Councillor Letnick/Seconded by Councillor Day

R941/08/10/27 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9806 (Z07-0019) and the amendment to the Official Community Plan Bylaw No. 9805 (OCP07-0007)– Okanagan Families Society known as “The Bridge Youth and Family Services”, 630 Cadder Avenue, be extended from June 26, 2008 to December 26, 2008.

Carried

- 4.09 Planning & Development Services Department, dated October 15, 2008, re: Rezoning Application No. Z08-0083 – Jean Tinling – 560 Peck Road (B/L 10110)

- (a) Planning & Development Services report dated October 15, 2008.

Moved by Councillor Letnick/Seconded by Councillor Gran

R942/08/10/27 THAT Rezoning Application No. Z08-0083 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 18, Section 14, Township 26, O.D.Y.D., Plan 25160, located on Peck Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities department and Rutland Waterworks being completed to their satisfaction;

Carried

- (b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10110 (Z08-0083) – Jean Tinling – 560 Peck Court

Moved by Councillor Rule/Seconded by Councillor Clark

R943/08/10/27 THAT Bylaw No. 10110 be read a first time.

Carried

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- 4.10 Planning & Development Services Department, dated October 10, 2008, re: Temporary Use Permit Application No. TUP08-0001 and Official Community Plan Amendment Application No. OCP08-0024 – City of Kelowna – 575-599 Harvey Avenue (B/L 10102)

- (a) Planning & Development Services report dated October 10, 2008.

Moved by Councillor Letnick/Seconded by Councillor Rule

R944/08/10/27 THAT OCP Bylaw Text Amendment No. OCP08-0024 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by deleting the Temporary Use Permit Area table in Chapter 19 - Temporary Commercial and Industrial Use Permits and replacing it with a new table as per Schedule "A" attached to the report of Planning & Development Services Department, dated October 10, 2008, be considered by Council.

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Planning & Development Services Department dated October 10, 2008;

AND THAT the OCP Bylaw Amendment No. OCP08-0024 be forwarded to a Public Hearing for further consideration

AND THAT Council authorize Temporary Use Permit No. TUP08-0001 to allow "outdoor storage" on Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471, located at 579-599 Harvey Avenue, Kelowna, B.C, subject to the following conditions:

- a) That area required for the contract be provided with temporary fencing and unobtrusive lighting.

Carried

- (b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10102 (OCP08-0024) – City of Kelowna – Requires a majority of all Members of Council (5)

Moved by Councillor Blanleil/Seconded by Councillor Gran

R945/08/10/27 THAT Bylaw No. 10102 be read a first time;

AND THAT the Bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- 4.11 Planning & Development Services Department, dated October 17, 2008, re: Rezoning Application No. Z05-0082 – Bogdan Snarski & Benedicte Lee (Canwest Design & Drafting Ltd.) – 1886 Ambrosi Road

Moved by Councillor Day/Seconded by Councillor Gran

R946/08/10/27 THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9653 (Z05-0082) – Bogdan Snarski & Benedicte Lee (Canwest Design & Drafting) – 1886 Ambrosi Road be extended to February 22, 2009.

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- 4.12 Planning & Development Services Department, dated October 14, 2008, re: Rezoning Application No. Z08-0073 – Colin Day (Lone Pine Estates) – 685 Lone Pine Drive (B/L 10107)

- (a) Planning & Development Services report dated October 14, 2008.

Councillor Day declared a conflict of interest as he is the registered owner of the subject property and left the meeting at 3:07 p.m.

Staff:

- Advised that an Environmental Development Permit will have to be considered in conjunction with the development of this site.

Moved by Councillor Gran/Seconded by Councillor Hobson

R947/08/10/27 THAT Rezoning Application No. Z08-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of South East 1/4 of Section 24, Township 26, O.D.Y.D., except Plans KAP54413, KAP58342, KAP59957, KAP63620, KAP69503 and KAP79411, located at 685 Lone Pine Drive, Kelowna, B.C. from the RU1 – Large Lot Housing and A1 – Agriculture 1 zones to the RU1h – Large Lot Housing (Hillside Area) zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

Carried

- (b) **BYLAW PRESENTED FOR FIRST READING**

Bylaw No. 10107 (Z08-0073) – Colin Day (Lone Pine Estates) – 685 Lone Pine Drive

Moved by Councillor Gran/Seconded by Councillor Blanleil

R948/08/10/27 THAT Bylaw No. 10107 be read a first time.

Carried

- 4.13 Planning & Development Services Department, dated October 20, 2008, re: Development Permit Application No. DP08-0090 – Kelmat Ventures Inc. & Southkel Ventures Inc. (Porter Ramsay Lawyers) – 3960 Lakeshore Road

Councillor Day returned to the meeting at 3:11 p.m.

Moved by Councillor Given/Seconded by Councillor Letnick

R949/08/10/27 THAT Council authorize the issuance of Development Permit No. DP08-0090 for Strata Lot 2, Sec. 1 Twp. 25 and of Sec. 6, Twp. 26, O.D.Y.D., Strata Plan KAS2714, located on Lakeshore Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

Carried5 BYLAWS (ZONING & DEVELOPMENT)(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

- 5.01 (a) Bylaw No. 10019 (OCP08-0016) – Various Owners (City of Kelowna) – The area bounded by Harvey Avenue, Abbott Street, Water Street and Queenway Avenue – **Requires a majority of all Members of Council (5)**

City Clerk:

- Advised that if the Royal Trust site was removed, then a change in use of the site would occur, so the Bylaws would have to be amended at first reading and another Public Hearing be conducted.

Staff:

- Confirmed that the Heritage Revitalization Agreement would be voluntary.
- Advised that there is currently an application in-stream requesting that the foreshore be in filled in area in front of Kerry Park and Stuart Park.

Moved by Councillor Blanleil/Seconded by Councillor Gran**R950/08/10/27** THAT Bylaw No. 10019 be read a second and third time.Carried

Mayor Shepherd and Councillors Hobson and Rule – Opposed.

- (b) Bylaw No. 10020 (TA08-0004 & Z08-0044) – Various Owners (City of Kelowna – The area bounded by Harvey Avenue, Abbott Street, Water Street and Queensway Avenue

Moved by Councillor Day/Seconded by Councillor Gran**R951/08/10/27** THAT Bylaw No. 10020 be read a second and third time.Carried

Mayor Shepherd and Councillors Hobson and Rule – Opposed.

- (c) Bylaw No. 10101 – CD21 Downtown Area Amenity Provision Reserve Fund Bylaw 2008

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Moved by Councillor Gran/Seconded by Councillor Day

R952/08/10/27 THAT Bylaw No. 10101 be read a second and third time.

Carried

6. NON-DEVELOPMENT APPLICATION REPORTS

6.01 Assistant General Manager, Airport Operations, dated October 17, 2008, re: Airport Use Agreement for Hawkair Aviation Ltd. – Kelowna International Airport

Moved by Councillor Letnick/Seconded by Councillor Clark

R953/08/10/27 THAT Council authorize the Mayor and City Clerk to sign the Air Carrier Airport Use Agreement allowing Hawkair Aviation Ltd. to operate at the Kelowna International Airport.

Carried

6.02 Risk Manager, dated October 22, 2008, re: Liability Insurance – Subscribing to the Municipal Insurance Association of British Columbia

Moved by Councillor Clark/Seconded by Councillor Letnick

R954/08/10/27 THAT Council approve the City of Kelowna join the Municipal Insurance Association of British Columbia for the purpose of obtaining insurance coverage for municipal general liability and errors and omissions liability protection;

AND THAT Council authorize the Mayor and City Clerk to execute the documents (attached) required to subscribe to the Municipal Insurance Association of British Columbia, that include:

- Reciprocal Insurance Exchange Agreement of the Municipal Insurance Association of British Columbia;
- Power of Attorney;
- Modification Agreement;

AND THAT Council authorize staff to increase the City's deductible for liability exposures covered by insurance from \$50,000 to \$100,000.

Carried

6.03 Transportation Manager, dated September 30, 2008, re: Snow and Ice Control Policy

Moved by Councillor Letnick/Seconded by Councillor Rule

R955/08/10/27 THAT Council receive, for information, the Report of the Transportation Manager dated September 30, 2008;

AND THAT Council adopt the revised Snow and Ice Control Policy No. 332 as outlined in the Report of the Transportation Manager dated September 30, 2008.

Carried

6.04 Civic Properties Manager, dated October 21, 2008, re: Mission Recreation Park Aquatic Centre, Construction Progress Report

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Staff:

- Updated Council with respect to the progress of the construction at the Mission Recreation Park Aquatic Centre.

Moved by Councillor Given/Seconded by Councillor Rule

R956/08/10/27 THAT City Council receive, for information, the Construction Progress Report as outlined in the Report of the Civic Properties Manager dated October 21, 2008.

Carried

6.05 Development Manager, Recreation, Parks and Cultural Services, dated October 20, 2008, re: Memorandum of Understanding – RG Facilities (Mission) Ltd.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R957/08/10/27 THAT Council approve the Memorandum of Understanding (MOU) between the City and RG Facilities (Mission) Ltd. (RG) for the use of the second floor mezzanine area of Capital News Centre (CNC) for a Participating Athlete Development Centre (PADC) as attached to the report from the Development Manager dated October 20, 2008;

AND THAT Council authorize the Director of Recreation Parks and Cultural Services, or designate, to execute the MOA for the City in order to carry out the duties, obligations and intentions as outlined in the MOU.

Carried

6.06 Development Manager, Recreation, Parks and Cultural Services, dated October 20, 2008, re: Aquatic Centre Management and Operating Agreement – YMCA-YWCA of the Central Okanagan

Councillor Clark left the meeting at 5:19 p.m.

Staff:

- Advised that the naming sponsorship of the entire building is still proceeding and a report to Council should be brought forward shortly.

Moved by Councillor Day/Seconded by Councillor Letnick

R958/08/10/27 THAT Council approve the Management and Operating Agreement (MOA) between the City and the YMCA-YWCA of the Central Okanagan (the Y) for the MRP Aquatic Centre as attached to the report from the Development Manager, Recreation Parks and Cultural Services dated October 20, 2008;

AND THAT the Mayor and City Clerk be authorized to execute the MOA in order to carry out the duties, obligations and intentions as outlined in the MOA;

AND THAT Council appoint the Director of Recreation Parks and Cultural Services, or designate, as the City representative for the purpose of coordinating all matters and obligations as required in the MOA;

AND FURTHER THAT Council consider the City's financial obligations in this MOA during its review of the 2009 Financial Plan.

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R959/08/10/27 THAT staff investigate the option of charging different user fees (local rate vs. non-local rate) for the MRP Aquatic Centre and report back to Council.

DEFEATED

Mayor Shepherd and Councillors Given, Hobson, Letnick and Rule – Opposed.

6.07 Development Manager, Recreation, Parks and Cultural Services, dated October 20, 2008, re: Aquatic Centre Concession Lease in Mission Recreation Park

Moved by Councillor Hobson/Seconded by Councillor Rule

R960/08/10/27 THAT Council approve a five year lease with two two-year options to renew, based on the attached criteria, in the City standard format with “Jugo Juice Canada Inc.” for the lease of the concession at the Aquatic Centre in Mission Recreation Park, as attached to the report from the Development Manager dated October 20, 2008;

AND THAT the Mayor and City Clerk be authorized to execute the lease.

Carried

6.08 Development Manager, Recreation, Parks and Cultural Services, dated October 15, 2008, re: Aquatic Facilities Allocation Policy for Aquatic Sports Clubs

Moved by Councillor Day/Seconded by Councillor Given

R961/08/10/27 THAT Council approve the Aquatic Facilities Allocation Policy for Aquatic Sports Clubs as attached to the report from the Development Manager dated October 15, 2008;

AND THAT the fees and charges attached to this policy be incorporated into the Recreation Fees and Charges Bylaw 9609 for 2009.

Carried

6.09 City Clerk, dated October 22, 2008, re: Future of Stuart Park and City Hall Properties

Staff:

- Gave historical background information with respect to the Stuart Park and City Hall properties.
- Provided background information regarding the options for an appeal of the Reasons for Judgment.

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Moved by Councillor Given/Seconded by Councillor Hobson

R962/08/10/27 THAT staff be instructed to create a Civic Centre Precinct plan, including a comprehensive public consultation process, that would determine appropriate municipal and commercial purposes for Stuart Park and the City Hall block;

AND THAT staff be instructed to determine the trust boundaries and terms for the subject properties, including making application to the court if necessary;

AND THAT the next Council be encouraged to consider placing a question on the ballot during the 2011 Civic Election to determine the opinion of the electors regarding the appropriateness of any municipal and commercial purposes as proposed in the Civic Centre Precinct;

AND FURTHER THAT Council accept the Reasons for Judgment in *Save the Heritage Simpson Covenant Society v. City of Kelowna* and that the appeal be abandoned.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

7.01 Bylaw No. 10060 – Road Closure & Removal of Highway Dedication Bylaw – A portion of Clifton Road near Caldrow Court

Moved by Councillor Day/Seconded by Councillor Gran

R963/08/10/27 THAT Bylaw No. 10060 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

7.02 Bylaw No. 10093 – 2009 Permissive Tax Exempt Bylaw

Moved by Councillor Gran/Seconded by Councillor Day

R964/08/10/27 THAT Bylaw No. 10093 be adopted.

Carried

8. COUNCILLOR ITEMS

8.01 Mayor Shepherd – Notice of Motion

Mayor Shepherd put Council on notice that she intends to bring forward a motion requesting that a letter be written to the Canadian Marine Advisory Council to reconsider Council's concerns regarding the noisy boat issue on Okanagan Lake.

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9. TERMINATION

The meeting was declared terminated at 6:25 p.m.

Certified Correct:

Mayor

City Clerk

SLH/sb